

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S2293–S2341*

**Measures Introduced:** Fourteen bills were introduced, as follows: S. 4133–4146. **Page S2339**

#### House Messages:

**America Competes Act—Motions To Instruct Conferees:** Senate resumed consideration of the House message to accompany H.R. 4521, to provide for a coordinated Federal research initiative to ensure continued United States leadership in engineering biology, taking action on the following motions to instruct conferees on the part of the Senate on the disagreeing votes of the two Houses on the bill to be instructed to insist on the inclusion in the final conference report the following motions proposed thereto: **Pages S2312–26**

#### Adopted:

Paul Motion to Instruct Conferees to insist that the final conference report include the provisions contained in section 6107 of the Senate amendment (relating to prohibiting funds made available to any Federal agency from being used for gain-of-function research conducted in China). **Page S2312**

By 53 yeas to 44 nays (Vote No. 148), Barrasso Motion to Instruct Conferees to insist that the final conference report include provisions that require immediate development of a 2022–2027 Federal oil and gas leasing program on the outer Continental Shelf, which shall be finalized not later than June 30, 2022, and which shall provide for a minimum of 10 region-wide oil and gas lease sales in the Gulf of Mexico and Alaska Regions of the outer Continental Shelf, with a minimum of 2 oil and gas lease sales per calendar year, not fewer than 1 of which shall be in the Gulf of Mexico Region each calendar year. **Pages S2312–13**

By 86 yeas to 12 nays (Vote No. 149), Cruz Motion to Instruct Conferees to insist that the final conference report include section 3258 of the Senate amendment, which requires a report identifying “major areas of diplomatic, energy, infrastructure, banking, financial, economic, military, and space cooperation . . . between the People’s Republic of China and the Islamic Republic of Iran”, regarding

the policy of the United States to limit such cooperation through terrorism-related sanctions imposed on the Central Bank of Iran and the Islamic Revolutionary Guard Corps, as such sanctions are necessary to limit such cooperation. **Pages S2313–14**

Menendez Motion to Instruct Conferees to insist upon the provisions contained in section 73003 of the Senate amendment (relating to establishment of an Inspector General of the Office of the United States Trade Representative). **Page S2314**

Risch Motion to Instruct Conferees to insist that the final conference report include provisions that take actionable steps to address the risks of and counter malign or undue influence and activities in the United States and abroad by the Chinese Communist Party, the Government of the People’s Republic of China, or individuals or entities acting on their behalf. **Page S2314**

Kelly Motion to Instruct Conferees to insist that the final conference report include incentives to support investments in semiconductor manufacturing and innovation in the United States, including investments in the fabrication, assembly, testing, advanced packaging, and research and development of semiconductors. **Page S2314**

Blackburn Motion to Instruct Conferees to insist that the final conference report include a provision that requires the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Director of the Cybersecurity and Infrastructure Security Agency, the Director of National Intelligence, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, and the Chairman of the Board of Governors of the Federal Reserve System, and consistent with information security requirements designed to address any national security risks, to develop guidance for executive agencies requiring adequate security measures for any transfer, storage, or use of digital yuan on information technology. **Page S2315**

By 50 yeas to 44 nays (Vote No. 151), Cotton Motion to Instruct Conferees to insist upon rejecting the authorization of appropriations for contributions to the Green Climate Fund under section 30609(b)

of the text of the bill as engrossed by the House of Representatives and insisting upon including an authorization of appropriations of \$8,000,000,000 within section 2118 of division A of the Senate amendment (relating to funding for the Defense Advanced Research Projects Agency) for Department of Defense research, development, production, and procurement of weapon systems needed to compete with China.

**Pages S2315–16**

Murkowski Motion to Instruct Conferees to insist that the final conference report include the text of S. 140, 117th Congress, as reported to the Senate on December 17, 2021.

**Page S2316**

Sullivan Motion to Instruct Conferees to insist that the final conference report include provisions that prohibit a renewable energy project receiving Federal financial assistance, a subsidy, or any other financing mechanism authorized under the final conference report, such as a grant or tax credit, from purchasing materials, technology, or critical minerals mined, produced, processed, or refined in the People's Republic of China or the Russian Federation.

**Pages S2316–17**

Rubio Motion to Instruct Conferees to insist that the final conference report include a Federal Government-based counterintelligence review to certify recipients of grants, funding, awards, or other resources provided, and intellectual property developed, as a result of the conference report, have national security protections in place to prohibit misappropriation and theft of Federal resources.

**Page S2317**

By 59 yeas to 33 nays (Vote No. 152), Johnson Motion to Instruct Conferees to reject any proposals to prohibit the possession, acquirement, receipt, transportation, sale, or purchase of mink raised in captivity in the United States for fur production.

**Pages S2317–18**

Daines Motion to Instruct Conferees to reject provisions that weaken the energy security of the United States, prohibit the development of an all-of-the-above energy portfolio, or direct funds to foreign entities for international climate objectives.

**Page S2319**

By 90 yeas to 5 nays (Vote No. 154), Hassan Motion to Instruct Conferees to insist that the final conference report include provisions that expand the research and development tax credit for small businesses and preserve full and immediate expensing for research and development investments.

**Pages S2319–20**

Scott (FL) Motion to Instruct Conferees to insist that the final conference report include provisions that ensure that any taxpayer funds spent in the bill, including those provided to universities and private sector corporations, are subject to comprehensive re-

turn on investment analyses and claw back provisions, and corresponding timely reports on the use of such funds to Congress and the American public.

**Page S2320**

Ernst Motion to Instruct Conferees to reject the provision as agreed to by the House of Representatives that would reauthorize the Small Business Innovation Research and Small Business Technology Transfer programs under section 9 of the Small Business Act (15 U.S.C. 638) without authorization to prevent the Russian Federation and the People's Republic of China from acquiring technology critical to national security developed through programs of the Small Business Administration and participating Federal agencies.

**Pages S2320–21**

By 62 yeas to 33 nays (Vote No. 155), Lankford Motion to Instruct Conferees to insist that the final conference report include provisions requiring that any agreement negotiated by the United States with the Islamic Republic of Iran addressing Iran's development of nuclear weapons—(1) also includes provisions addressing the full range of Iran's destabilizing activities, including development of the means of delivery for such weapons (such as ballistic missiles), support for terrorism, and evasion of sanctions by individuals, entities, and vessels in the trade of petroleum products with the People's Republic of China; (2) does not lift sanctions on the Islamic Revolutionary Guard Corps; and (3) does not revoke the designation of the Islamic Revolutionary Guard Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189). (Pursuant to the order of Wednesday, April 27, 2022, the amendment having achieved 60 affirmative votes, was agreed to.)

**Page S2321**

Cassidy Motion to Instruct Conferees to insist that the final conference report include provisions that require the President to directly address troubling developments in Mexico's energy sector that intentionally cause harm to United States jobs and economic interests, business and investor interests, and climate goals through the use of consultations under the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502)).

**Page S2323**

Warnock Motion to Instruct Conferees to insist that the final conference report include provisions that fully fund programs to build institutional research capacity at historically Black colleges or universities that are developing research institutions.

**Page S2323**

By 49 yeas to 47 nays (Vote No. 157), Capito Motion to Instruct Conferees to insist that the final conference report include provisions that—(1) emphasize that, under current law, the President may not—(A) declare, on the basis of climate change—

(i) a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); (ii) an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or (iii) a public health emergency under section 319 of the Public Health Service Act (42 U.S.C. 247d); or (B) invoke, on the basis of climate change, the authorities of the Defense Production Act of 1950 (50 U.S.C. 4501 et seq.); and (2) provide that nothing in H.R. 4521 grants the President the authority to make a declaration or invocation described in paragraph (1). **Pages S2323–24**

By 53 yeas to 43 nays (Vote No. 158), Toomey Motion to Instruct Conferees to insist upon the provisions contained in section 73001 of the Senate amendment (relating to establishing a process for exclusion of articles from duties under section 301 of the Trade Act of 1974). **Pages S2324–25**

Luján Motion to Instruct Conferees to insist on provisions supporting the work of the Department of Energy, user facilities of the Department of Energy, and National Laboratories, including work in microelectronics and across the key technology focus areas (as defined in section 2002 of the amendment). **Page S2325**

Rejected:

By 48 yeas to 49 nays (Vote No. 150), Lee Motion to Instruct Conferees to insist that the final conference report not include the provisions contained in the following sections of the bill (as passed by the House of Representatives): (1) Section 30609 (relating to building United States economic growth and technological innovation through the Green Climate Fund). (2) Section 30607 (relating to addressing international climate change mitigation, adaptation, and security). (3) Section 30601(b)(7)(E) (relating to the sense of Congress on implementing the Paris Agreement). (4) Section 30610 (relating to ensuring a whole-of-government response to climate action). **Pages S2314–15**

By 6 yeas to 87 nays (Vote No. 153), Sanders Motion to Instruct Conferees to insist that the final conference report include provisions that require each beneficiary of Federal financial assistance for semiconductor manufacturing to be banned from purchasing the stock of the beneficiary, from outsourcing employment opportunities of the beneficiary to any country outside of the United States, and from repealing any collective bargaining requirements of the beneficiary, and that require each such beneficiary to issue warrants and equity stakes in the enterprise of the beneficiary to the Federal Government and to remain neutral in any union organizing effort of the employees of the beneficiary. **Pages S2318–19**

By 17 yeas to 78 nays (Vote No. 156), Sanders Motion to Instruct Conferees to recede from the pro-

vision contained in section 2614(c) of the Senate amendment (relating to contract redundancy and funding for the human landing system program of the National Aeronautics and Space Administration, which would likely go to Blue Origin).

**Pages S2321–23**

By 47 yeas to 49 nays (Vote No. 159), Scott (SC) Motion to Instruct Conferees to insist that the final conference report include a requirement that any new legislation providing for new mandates on greenhouse gas emissions should not be enacted unless similar mandates are enacted in the People's Republic of China. **Pages S2325–26**

The Chair was authorized to appoint the following conferees on the part of the Senate: Senators Cantwell, Menendez, Wyden, Peters, Murray, Brown, Warner, Kelly, Warnock, Hickenlooper, Tester, Heinrich, Baldwin, Wicker, Crapo, Risch, Burr, Portman, Grassley, Shelby, Toomey, Barrasso, Capito, Cornyn, Young, and Moran, with instructions. **Page S2326**

**Huff Nomination—Agreement:** A unanimous-consent agreement was reached providing that at approximately 11 a.m., on Thursday, May 5, 2022, Senate begin consideration of the nomination of Kathryn Huff, of Illinois, to be an Assistant Secretary of Energy (Nuclear Energy), and vote on confirmation thereon at 1:45 p.m. **Page S2341**

**Nomination Confirmed:** Senate confirmed the following nomination:

James D. Rodriguez, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training. **Page S2326**

**Measures Placed on the Calendar:** **Page S2326**

**Executive Communications:** **Pages S2329–35**

**Petitions and Memorials:** **Pages S2335–37**

**Executive Reports of Committees:** **Pages S2337–39**

**Additional Cosponsors:** **Pages S2339–40**

**Statements on Introduced Bills/Resolutions:** **Pages S2340–41**

**Additional Statements:** **Pages S2328–29**

**Authorities for Committees to Meet:** **Page S2341**

**Record Votes:** Twelve record votes were taken today. (Total—159) **Pages S2313–16, S2318–21, S2323–26**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 10:13 p.m., until 11 a.m. on Thursday, May 5, 2022. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2341.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: HHS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies concluded a hearing to examine proposed budget estimates and justification for fiscal year 2023 for the Department of Health and Human Services, after receiving testimony from Xavier Becerra, Secretary of Health And Human Services.

### APPROPRIATIONS: DOE

*Committee on Appropriations:* Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates and justification for fiscal year 2023 for the Department of Energy, after receiving testimony from Jennifer M. Granholm, Secretary of Energy.

### APPROPRIATIONS: DHS

*Committee on Appropriations:* Subcommittee on Homeland Security concluded a hearing to examine proposed budget estimates and justification for fiscal year 2023 for the Department of Homeland Security, after receiving testimony from Alejandro N. Mayorkas, Secretary of Homeland Security.

### APPROPRIATIONS: USFS

*Committee on Appropriations:* Subcommittee on Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates and justification for fiscal year 2023 for the Forest Service, after receiving testimony from Randy Moore, Chief, Forest Service, Department of Agriculture.

### APPROPRIATIONS: VA

*Committee on Appropriations:* Subcommittee on Military Construction, Veterans Affairs, and Related Agencies concluded a hearing to examine proposed budget estimates and justification for fiscal year 2023 for the Department of Veterans Affairs, after receiving testimony from Denis McDonough, Secretary of Veterans Affairs.

### NUCLEAR WEAPONS COUNCIL

*Committee on Armed Services:* Subcommittee on Strategic Forces concluded a hearing to examine the Nuclear Weapons Council, after receiving testimony from Jill Hruby, Administrator, National Nuclear Security Administration, Department of Energy, Heidi Shyu, Under Secretary of Defense for Research and Engineering, William LaPlante, Chairman, John Plumb, Assistant Secretary of Defense for Space Policy, Admiral Christopher Grady, Vice Chairman, Joint Chiefs of Staff, and Admiral Charles Richard,

Commander, United States Strategic Command, all of the Nuclear Weapons Council.

### OVERDRAFT FEES

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Financial Institutions and Consumer Protection concluded a hearing to examine overdraft fees and their effects on working families, including S. 2677, to amend the Truth in Lending Act to limit overdraft fees and establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, after receiving testimony from Aaron Klein, Brookings Institution, and David Pommerehn, Consumer Bankers Association, both of Washington, D.C.; and Jason Wilk, Dave, Los Angeles, California.

### BUSINESS MEETING

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the nominations of Ventris C. Gibson, of Virginia, to be Director of the Mint, and Paul M. Rosen, of California, to be Assistant Secretary for Investment Security, both of the Department of the Treasury.

### BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the following business items:

An original bill entitled, “Water Resources Development Act”;

6 General Services Administration resolutions; and

The nomination of Benny R. Wagner, of Tennessee, to be Inspector General of the Tennessee Valley Authority.

### POLITICAL ACTIVITIES OF TAX EXEMPT ENTITIES

*Committee on Finance:* Subcommittee on Taxation and IRS Oversight concluded a hearing to examine laws and enforcement governing the political activities of tax exempt entities, after receiving testimony from Philip Hackney, University of Pittsburgh School of Law, Pittsburgh, Pennsylvania; Bradley A. Smith, Institute for Free Speech, and Scott Walter, Capital Research Center, both of Washington, D.C.; and Ann Ravel, former Chair of the Federal Election Commission, Los Gatos, California.

### BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported the following business items:

Amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty Doc.115–3);

Agreement between the Government of the United States of America and the Government of the Republic of Croatia comprising the instrument as contemplated by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, as to the Application of the Treaty on Extradition signed on October 25, 1901 (the “U.S.-Croatia Extradition Agreement”), and the Agreement between the Government of the United States and the Government of the Republic of Croatia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003 (the “U.S.-Croatia Mutual Legal Assistance Agreement”), both signed at Washington on December 10, 2019 (Treaty Doc.116–2);

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the “Montreal Protocol”), adopted at Kigali on October 15, 2016, by the Twenty-Eighth Meeting of the Parties to the Montreal Protocol (the “Kigali Amendment”) (Treaty Doc.117–1); and

The nominations of John N. Nkengasong, of Georgia, to be Ambassador at Large, Coordinator of United States Government Activities to Combat HIV/AIDS Globally, Marc B. Nathanson, of California, to be Ambassador to the Kingdom of Norway, MaryKay Loss Carlson, of Arkansas, to be Ambassador to the Republic of the Philippines, Philip S. Goldberg, of the District of Columbia, to be Ambassador to the Republic of Korea, and Caroline Kennedy, of New York, to be Ambassador to the Commonwealth of Australia, all of the Department of State.

## NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Jane Hartley, of New York, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, and Constance J. Milstein, of New York, to be Ambassador to the Republic of Malta, who were both introduced by Senator Schumer, Alan M. Leventhal, of Massachusetts, to be Ambassador to the Kingdom of Denmark, who was introduced by Senator Markey, and Bruce I. Turner, of Colorado, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament, all of the Department of State, after the nominees testified and answered questions in their own behalf.

## DEPARTMENT OF HOMELAND SECURITY BUDGET

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the

President’s proposed budget request for fiscal year 2023 for the Department of Homeland Security, after receiving testimony from Alejandro N. Mayorkas, Secretary of Homeland Security.

## INFRASTRUCTURE INVESTMENT AND JOBS ACT

*Committee on Indian Affairs:* Committee concluded an oversight hearing to examine implementing the Infrastructure Investment and Jobs Act for Native communities, focusing on setting new foundations, after receiving testimony from Wizipan Garriott, Principal Deputy Assistant Secretary of the Interior for Indian Affairs; Elizabeth A. Fowler, Acting Director, and Rear Admiral Mark Calkins, Public Health Service, Assistant Surgeon General, Director, Division of Sanitation Facilities Construction, both of the Indian Health Service, Department of Health and Human Services; Timothy Hess, Associate Administrator, Office of Federal Lands Highway, Federal Highway Administration, Department of Transportation; Adam Geisler, Division Chief, Tribal Connectivity and Nation To Nation Coordination Division, Office of Internet Connectivity and Growth, National Telecommunications and Information Administration, Department of Commerce; Mark Mitchell, All Pueblo Council of Governors, Albuquerque, New Mexico; Harold C. Frazier, Great Plains Tribal Chairmen’s Association, and Dakota Longbrake, Tribal Transportation Program Coordinating Committee, both of the Cheyenne River Sioux Tribe, Eagle Butte, South Dakota; Garret T. Yoshimi, University of Hawai’i System, Honolulu; and Nicole Borromeo, Alaska Federation of Natives, Anchorage.

## SWIPE FEES

*Committee on the Judiciary:* Committee concluded a hearing to examine excessive swipe fees and barriers to competition in the credit and debit card systems, after receiving testimony from Doug Kantor, National Association of Convenience Stores, Alexandria, Virginia; Laura Karet, Giant Eagle, Inc., Pittsburgh, Pennsylvania; Charles G. Kim, Commerce Bancshares, Kansas City, Missouri; Linda Kirkpatrick, Mastercard International Incorporated, Purchase, New York, New York; Ed Mierzwinski, U.S. PIRG, Washington, D.C.; and Bill Sheedy, Visa Inc., San Francisco, California.

## SOCIAL MEDIA

*Committee on the Judiciary:* Subcommittee on Privacy, Technology, and the Law concluded a hearing to examine platform transparency, focusing on understanding the impact of social media, after receiving testimony from Brandon Silverman, CrowdTangle, Oakland, California; Nathaniel Persily, and Daphne

Keller, both of Stanford University Cyber Policy Center, Stanford, California; Jim Harper, American Enterprise Institute, Washington, D.C.; and Jonathan Haidt, New York University Stern School of Business, New York, New York.

#### BUSINESS MEETING

*Committee on Veterans' Affairs:* Committee ordered favorably reported the nomination of Shereef M.

Elnahal, of New Jersey, to be Under Secretary for Health of the Department of Veterans Affairs.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

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## House of Representatives

### Chamber Action

The House was not in session today. The House is scheduled to meet at 10 a.m. on Friday, May 6, 2022.

### Committee Meetings

No hearings were held.

### Joint Meetings

#### WAR CRIMES IN UKRAINE

*Commission on Security and Cooperation in Europe:* Commission concluded a hearing to examine Russian war crimes in Ukraine, after receiving testimony from Beth Van Schaack, Ambassador at Large for Global Criminal Justice, Department of State; Iryna Venediktova, Ukraine Prosecutor General; Wolfgang Benedek, University of Graz; Marco Sassoli, University of Geneva; Veronika Bilkova, Charles University; and Timothy Snyder, Yale University.

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#### COMMITTEE MEETINGS FOR THURSDAY, MAY 5, 2022

(Committee meetings are open unless otherwise indicated)

##### Senate

*Committee on Armed Services:* to hold hearings to examine the posture of the Department of the Army in review of

the Defense Authorization Request for fiscal year 2023 and the Future Years Defense Program; to be immediately followed by a closed session in SVC-217, 9:30 a.m., SD-G50.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine student loan servicers and their impact on workers, 10 a.m., SD-538.

*Committee on the Budget:* to hold hearings to examine whether taxpayer dollars should go to companies that violate labor laws, 11 a.m., SD-608.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Protection, Product Safety, and Data Security, to hold hearings to examine ensuring fairness and transparency in the market for prescription drugs, 10 a.m., SR-253.

*Committee on Energy and Natural Resources:* to hold hearings to examine the President's proposed budget request for fiscal year 2023 for the Department of Energy, 10 a.m., SD-366.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine securing and ensuring order on the southwest border, 10:15 a.m., SD-106.

*Committee on the Judiciary:* business meeting to consider S. 977, to amend the Sherman Act to make oil-producing and exporting cartels illegal, S. 3846, to reauthorize the Justice and Mental Health Collaboration Program, and the nomination of S. Lane Tucker, to be United States Attorney for the District of Alaska, Department of Justice, 9 a.m., SH-216.

##### House

No hearings are scheduled.

*Next Meeting of the SENATE*

11 a.m., Thursday, May 5

## Senate Chamber

**Program for Thursday:** Senate will begin consideration of the nomination of Kathryn Huff, of Illinois, to be an Assistant Secretary of Energy (Nuclear Energy), and vote on confirmation thereon at 1:45 p.m.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Friday, May 6

## House Chamber

**Program for Friday:** House will meet in Pro Forma session at 10 a.m.



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